



June 30, 2010

Ms. Fawzia Shapiro, P.E., P.P
Senior Engineer
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

**SUBJECT: Request for Modification to Zoning Certificate/Occupancy Certification
New Building/Site Improvement
File Nos.: 10-041, 10-189 & 10-188
HCIA, Standard Chlorine Chemical Co., Inc., and Diamond (Tierra Solutions, Inc.)
Sites Interim Response Action
Town of Kearny, Hudson County, New Jersey
Key Environmental Project Nos. 09803 and 09804**

Dear Ms. Shapiro:

KEY Environmental, Inc., (KEY), on behalf of The Peninsula Restoration Group (Standard Chlorine Chemical Co., Inc. (SCCC), Tierra Solutions, Inc. and Beazer East, Inc., hereinafter referred to as the "Group"), is submitting this letter and attachments to request a modification to the Zoning Certificate/Occupancy Certification File Numbers 10-041, 10-188 and 10-189. The modification is necessitated due to the recent development that New Jersey Transit (NJT) will be constructing rail lines across the northern portion of the Diamond Site, and the need to modify the alignment of the cement-bentonite slurry (CBS) wall along its southernmost limit within the adjacent Seaboard Site. Both of these modifications to the project plans were included in a May 14, 2010 Interim Response Action Work Plan Addendum and subsequent revisions dated June 7, 2010 and June 8, 2010 approved by the NJDEP¹ on June 17, 2010 (letter attached).

NJT's future plans for development include constructing rail lines as part of their Portal Bridge Capacity Enhancement project. The originally proposed location of the Diamond Consolidation Area (CA) conflicts with a number of NJT's proposed bridge pier locations. As a result, the CA has been relocated southward to a location outside the limits of the piers. The new location of the CA will eliminate the need for any future disturbance of the consolidated material by NJT. The attached Drawings DS-CA-01 (Revision 1 dated April 23, 2010) and SWM-01 (Revision 3 dated June 16, 2010) provide the plan view of the modified CA. Cross sections are shown on Drawing DS-CA-02 (Revision 1 dated April 23, 2010). The footprint of the relocated CA is similar in size to the previously proposed location. Channels C-4A through C-4C have been relocated and Channel C-4D has been eliminated. Channel C-4C continues to drain to Catch Basin CB-16.

The location of the southern boundary of the CBS wall as shown in the NJDEP-approved IRAW (dated October 2008) followed the southern property line of the SCCC Site. The IRAW Addendum (dated March 2009) expanded the alignment of the CBS wall onto the adjacent Koppers Seaboard Site. The amended location of the CBS wall was shown in the drawing set that you reviewed as part of the Zoning Certificate/Occupancy Certification application. Recently, the NJDEP Office of Brownfield Reuse (OBR) determined that the alignment of the CBS wall along its southernmost boundary must be revised slightly (less than 50 feet) to the south to encompass the location of Soil Boring B-21. The length of the CBS wall will increase by approximately five (5) feet as a result of the realignment. The revised alignment of the CBS wall is depicted in the Drawings, specifically Drawing SWM-01, revised 6/16/10. The revised alignment of the

¹ NJDEP Office of Brownfield Reuse (OBR), June 17, 2010, Interim Remedial Action Work Plan Approval, Standard Chlorine Chemical Co. Inc. Site and Site 113 (Diamond Site), Kearny Town, Hudson County, NJ.

CBS wall is depicted in the Drawings, specifically Drawing CBS-01 (Revision 2 dated June 22, 2010). The revised alignment of the CBS wall was submitted to the NJDEP during revisions to the IRAW Addendum and approved. The proposed modification is not expected to have any appreciable impact on any aspects of the planned response action. Specifically, the small quantity of additional spoils generated via wall realignment can readily be accommodated in the planned SCCC CA.

A similar request to the New Jersey Department of Environmental Protection, Department of Land Use Regulation (NJDEP DLUR) Permit No. 0907-09-0007.1 (Permit) and the Hudson-Essex-Passaic Soil Conservation District Certificate File #207-H-2480 have also been made regarding these modifications.

From the Application for Zoning Certificate/Occupancy Certification, dated January 2010 (revised March 23, 2010), please replace the following pages with the respective enclosed copies:

- Title Sheet in the clear plastic pocket on the front of the binder and the first page on the inside of the binder;
- Attachment A (Engineering Design and Stormwater Management Report) replace the Title Sheet and pages R-1, 3-10, 4-9, and 4-11 and in Appendix B (Low Impact Development Checklist) replace page B-10;
- Attachment B (Soil Erosion and Sediment Control Plan), Attachment 5 (Soil Erosion and Sediment Control Plan Narrative), Appendix A (Stormwater Calculations) replace pages; 27A, 28, 36, 37, 38, 39, 39A, 41, 42, 44, 44A, 44B, 44C, 89, 89A, 93, 94, 95, 100 – 103, 105 and 106; and,
- Replace Drawings IRA-01, ESC-01, CBS-01, CBS-03, DS-CA-01, DS-CA-02, DS-CA-03, SWM-01, SWM-03 and GAP-01, GAP-02.

If you have any questions, or need additional information, please contact me at 412-428-9425.

Sincerely,
Key Environmental, Inc.



Greg W. Banner, P.E.
Supervising Engineer

Attachments

cc: Ms. Suzanne Dietrick (NJDEP) – w/Attachments
Mr. Chris Kanakis (NJDEP) - Letter only
Mr. Frank Faranca (NJDEP) – Letter only
Mr. Ed Als (EPA) – Letter only
Mr. Joseph D'Arco (Town of Kearny) – w/Attachments
Mr. Enrique Castro (Tierra Solutions, Inc.) – w/Attachments
Mr. Gerry Coscia (Langan Engineering & Environmental Services) – w/Attachments
Mr. Michael Slenska (Beazer East, Inc.) – w/Attachments
Mr. Norman Guerra (Hudson County Improvement Authority) – Letter only
Mr. John Bolan (PSS) – w/attachments
Ms. Margaret Kelly (SCCC) – Letter only
Ms. Janet Rekesius (Hudson Essex Passaic Soil Conservation District) – Letter only
Mr. Pete Sawchuck (KEY) – Letter only